

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

MARK TIMOTHY SCHAFER,	)	CASE NO. 3:09 CV 464
	)	
Petitioner,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
ED SHELDON,	)	<u>AND ORDER</u>
	)	
Respondent.	)	

On March 2, 2009, petitioner pro se Mark Timothy Schafer filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. Schafer is incarcerated in an Ohio penal institution as a result of a determination that he violated the terms of his post release control. As grounds for the petition, he asserts: 1) "I am not the entity named for commitment to a term of imprisonment with the Ohio Department of Rehabilitation and Correction," and 2) "I am not an Accommodation Party or Surety for MARK T. SCHAFER." For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the

United States. Furthermore, the petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

There is no indication on the face of the petition that Schafer seeks to raise an issue cognizable in habeas corpus, as he does not set forth federal grounds with supporting facts reasonably suggesting he might be entitled to release. Further, even if such a grounds were raised, the petition does not indicate the issues were properly raised and exhausted in the state court.

Accordingly, this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.R.App.P. 22(b).

IT IS SO ORDERED.

/s/Dan Aaron Polster 4/13/09  
DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE